

LAW OFFICES OF
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NORTHERN OFFICE

February 7, 2007

Michigan Probate Judges' Association
324 N. Pine Street #1
Lansing, Michigan 48933

2005-37

Re: Rule 5.306

Dear Sirs:

It has come to my attention, at the annual Bench Bar Meeting of the Oakland County Bar Association, that there is being contemplated a Court Rule change regarding the presentation of claims, whereby the option or requirement to file a claim with the Court is being deleted. As a probate practitioner of some thirty-two years, I would suggest to you that that is a grave error.

The one point in the administration of an estate and the closing of the estate through which all things must be funneled is the Probate Court file, both for the protection of creditors and, most assuredly, for the protection of Personal Representatives charged with paying creditors before distributing the assets of the estate. It is imperative that the claims be funneled down to one point. I would suggest that the best place for that to be would be the Probate Court file.

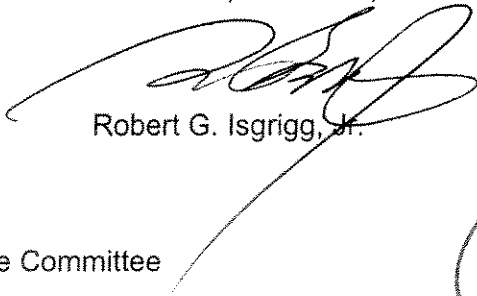
The position that the claims should be filed with the Court is particularly important where the Personal Representative is in pro per, but it also applies for creditors who have some confusion as to what they are supposed to do.

I would highly recommend to you that the continuation of this small administrative duty for the Probate Court is far, far outweighed by the problems that are going to be generated by Personal Representatives closing the estates and either forgetting or not knowing that a claim has even been filed and supposedly sent to them.

I would like to thank the Committee for the opportunity to address you on this issue.

Sincerely,

SCHMIDT, ISGRIGG, ANDERSON & MILLER


Robert G. Isgrigg, Jr.

RGI/kc

cc: Michigan Supreme Court
State Bar Association, Probate Committee

